

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE PETITION OF THE HARDIN COUNTY WATER)	
DISTRICT NO. 1 FOR A CERTIFICATE OF)	
CONVENIENCE AND NECESSITY; APPROVAL OF)	
FINANCING OF THE CONSTRUCTION AND THE)	CASE NO.
ISSUANCE OF BONDS; AND THE APPROVAL OF)	90-019
RATES TO BE CHARGED ITS RETAIL AND)	
WHOLESALE CUSTOMERS)	

O R D E R

Hardin County Water District No. 1 ("Hardin District No. 1") has filed a response to the Commission's Order of January 8, 1991 seeking to have the record of this case remain open after January 31, 1991. The Commission will consider this response as a motion.

Hardin District No. 1 bases its motion on two grounds. First, it contends that, because of deficiencies in its application as initially filed, the application should not be considered as filed until May 24, 1990. Under this theory, the Commission could allow the case record to remain open after January 31, 1991 and still meet the statutory time limits set forth in KRS 278.190. Second, Hardin District No. 1 offers to waive the statutory time limits to allow the Commission adequate time to review its application.

Both arguments lack merit. In its Order of May 1, 1990 in which it established a procedural schedule in this matter, the Commission found that Hardin District No. 1's application was filed on April 24, 1990. Nothing has occurred since then to alter that finding.

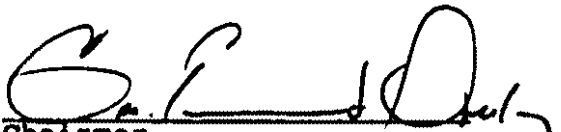
Hardin District No. 1, furthermore, cannot waive the ten-month suspension period. That period is prescribed by statute and neither the Commission nor any party to a Commission proceeding has the power to extend it. New England Tele. and Tele. Co. v. Pub. Util. Comm'n, 362 A.2d 741 (Me. 1976). See also Smith v. City of Raceland, 80 S.W.2d 827, 828 (Ky. 1935) ("Its [the Commission's] powers and duties are administrative only. It cannot authorize the doing of an act prohibited by any fundamental principle of law.").

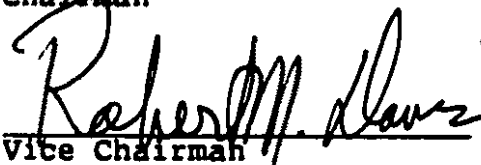
IT IS THEREFORE ORDERED that:

1. Hardin District No. 1's motion to keep the case record open after January 31, 1991 is denied.
2. The Commission's Order of January 8, 1991 is affirmed.

Done at Frankfort, Kentucky, this 24th day of January, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director